

# Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: )  
 ) CA No. 01-12257-PBS  
PHARMACEUTICAL INDUSTRY AVERAGE )  
WHOLESALE PRICE LITIGATION ) Pages 1 - 91  
 )

BMS FINAL APPROVAL HEARING  
BEFORE THE HONORABLE PATTI B. SARIS  
UNITED STATES DISTRICT JUDGE

United States District Court  
1 Courthouse Way, Courtroom 19  
Boston, Massachusetts  
March 28, 2011, 2:17 p.m.

LEE A. MARZILLI  
OFFICIAL COURT REPORTER  
United States District Court  
1 Courthouse Way, Room 7200  
Boston, MA 02210  
(617) 345-6787

1 THE COURT: That's what I remember. Now, it may be  
2 that we didn't cross the T and dot the I. I deemed that a  
3 withdrawal. Now, maybe I should have issued an order deeming  
4 them no longer class reps, but, you know, no one asked me to  
5 and I didn't do it. But I remember at the time distinctly  
6 believing, because I remember there was then a problem with the  
7 class, and I said, "Can you find someone else?" Wasn't that  
8 how this all evolved? I remember thinking that that might  
9 undercut the whole class action, and I think I deemed it, and I  
10 think no one disabused me of it, as a withdrawal that might  
11 undermine the viability of the class.

12 MR. HAVILAND: Well, I don't think anybody got that  
13 from you, Judge. I certainly didn't. What happened was --

14 THE COURT: Well, they must have because they went out  
15 and got someone else.

16 MR. HAVILAND: Well, I continued as class counsel up  
17 until the point you disqualified me three months after I  
18 appeared in front of you in January of 2008, I believe it was.

19 THE COURT: That's probably because it took me so long  
20 to write the opinion, but three months, two or three months or  
21 whatever.

22 MR. HAVILAND: Well, it was a quick opinion. And in  
23 the interim I was continuing to represent the consumers. I  
24 took the appeal of Johnson & Johnson on behalf of Shepley, and  
25 your Honor pointed out, "Boy, I wish someone had pointed out to